

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37643 of 2024

Arising Out of PS. Case No.-674 Year-2022 Thana- SIWAN CITY District- Siwan

1. Rais Sah Son of Late Meer Hasan Sah Resident of Village- Ismail Sahid Takiya, P.S- Sarai O.P, Dist- Siwan
2. Mojahid Ali Son of Anwar Sah Resident of Village- Ismail Sahid Takiya, P.S- Sarai O.P, Dist- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2024 Heard Mr. Nawnit Kumar Tiwary, learned counsel
for the petitioners and Mr. Akbar Ali, learned APP for the State.

2. Petitioners seek bail, who are in custody since 22.06.2023 and 17.05.2023, in connection with Siwan Town P.S. Case No. 674 of 2022, F.I.R. dated 30.11.2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioners is that petitioner no. 2, namely, Mojahid Ali caught hold the informant's father and petitioner no. 1, namely, Rais Sah fired upon the informant's father due to which his father died.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and due to some petty dispute the present occurrence had taken place.

5. Learned counsel for the petitioners further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act attributed against petitioner no. 2, namely, Mojahid Ali rather there is allegation against petitioner no. 2 that he has caught hold the victim and there is specific allegation against petitioner no. 1, Rais Sah that he has fired upon the victim.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no. 1 carries five more cases other than the present one and petitioner no. 2 carries three more cases other than the present one.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation as alleged in the F.I.R. against petitioner no. 1, namely, Rais Sah, I am not inclined to enlarge the petitioner no. 1, namely, Rais Sah, on bail in connection with Siwan Town P.S. Case No. 674 of 2022



pending in the Court of Additional Sessions Judge-II, Siwan.

8. Prayer for bail on behalf of the petitioner no. 1, namely, Rais Sah, is hereby refused.

9. So far as petitioner no. 2, namely, Mojahid Ali is concerned, there is no specific allegation of any assault or overt act attributed against the petitioner no. 2, let the petitioner no. 2, above named, Mojahid Ali, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Siwan in connection with Siwan Town P.S. Case No. 674 of 2022, subject to the following conditions :-

(1) Petitioner no. 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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